

January 25, 2008

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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REPORT AND DECISION

SUBJECT: Department of Development and Environmental Services File No. **E0300934**

EDGAR VEEDER
Code Enforcement Appeal

Location: 4302 South 343rd Street

Appellant: **Edgar Veeder**
4302 South 343rd Street
Auburn, Washington 98001
Telephone: (253) 318-3850

King County: Department of Development and Environmental Services (DDes)
represented by Sheryl Lux (substituting for **DenoBi Olegba**)
900 Oakesdale Avenue Southwest
Renton, Washington 98055
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SUMMARY OF RECOMMENDATIONS/DECISION:

Department's Preliminary Recommendation:	Deny appeal with Notice & Order Sustained as Issued
Department's Final Recommendation:	Deny appeal with Revised Compliance Schedule
Examiner's Decision:	Deny appeal with Revised Compliance Schedule

EXAMINER PROCEEDINGS:

Hearing opened:	January 10, 2008
Hearing closed:	January 10, 2008

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes.
A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS OF FACT:

1. On October 4, 2007, the King County Department of Development and Environmental Services (DDES) issued a Notice and Order to Appellant Edgar Veeder that found code violations on a Residential-4 (R-4)-zoned property located at 4302 South 343rd Street, in the unincorporated Lake Geneva area east of Federal Way. The Notice and Order cited Mr. Veeder and the property with two violations of county code:
 - A. Construction of an accessory structure without the required permits, inspections and approvals.
 - B. Exterior storage of an inoperable vehicle and on a non-impervious (unimproved) surface.

The structural violation was required by the Notice and Order to be corrected by obtainment of the required permit(s) for the accessory structure, with a complete application to be submitted by November 8, 2007. If the permit application was denied by the county, then the non-permitted work was required to be demolished and removed within 40 days from the date of permit denial. Alternatively, in the event a permit was not sought for the non-permitted work, demolition and removal under a demolition permit was required to be accomplished by December 10, 2007 (such deadline pertaining regardless of the fact that a demolition permit normally is good for a one year period). The inoperable vehicle was required to be removed from the premises or stored within a fully enclosed building, and parking/storage of vehicles on non-impervious surfaces ceased by November 8, 2007.

2. Mr. Veeder filed a timely appeal of the Notice and Order. The appeal made no claim disputing the charges of violation in the Notice and Order, and indeed noted that Mr. Veeder was purchasing the property and is “responsible for it.” Mr. Veeder went on to state that he intended to obtain an Already Built Construction (ABC) permit for the construction work.
3. Mr. Veeder did not attend a scheduled prehearing conference on this matter on December 11, 2007, and also did not attend the January 10, 2008 scheduled hearing in this matter. (Timely notice of both proceedings was sent by direct mail to Mr. Veeder.)
4. Aside from Mr. Veeder’s having essentially stipulated to the violation of construction without necessary permits, the preponderance of the evidence in the record supports the charge of the construction work at issue being required to be conducted under the auspices of a building permit, and no building permit is shown to have been obtained. Violation charge no. 1 of the Notice and Order is found to have occurred as charged.
5. DDES stipulated at hearing that the inoperable vehicle/parking issue had been resolved by compliance. That issue is now moot. (No evidence is presented into the record to support the finding of such violation charge no. 1 in the Notice and Order, presumably because the matter has been resolved.)

CONCLUSION:

1. The construction of the accessory building without required building permits is concluded to constitute a regulatory violation of county code as found by the Notice and Order.

DECISION:

The appeal is **DENIED** and the Notice and Order sustained, except to note that violation no. 2 has been resolved by compliance and except that the compliance requirements for violation no. 1 shall be revised as stated in the following order.

ORDER:

1. The required building permit(s), inspections and approvals shall be applied for and obtained for the subject construction of the accessory structure, with a pre-application conference with DDES to be scheduled *by no later than **February 29, 2008***, and with a complete building permit application being submitted for review and approval *by no later than **March 31, 2008***. Either or both of such deadlines may be extended by DDES in its sole discretion, if circumstances beyond the Appellant's or successor landowner's control compel an extension of such deadline for a reasonable time period (such as, for instance, inability to schedule a pre-application conference due to lack of available time slots within the prescribed time period). No such extension may be granted if the Appellant or successor has not been diligent in pursuing, implementing and finalizing the necessary permits, inspections and approvals.
2. Should the building permit application be denied, demolition and/or removal of the non-permitted construction work shall be performed under the auspices of any required demolition permit **within forty (40) days from the date of written permit denial**.
3. Should a building permit not be sought for the construction work by the above deadline, then such demolition and removal shall be performed under the auspices of any required demolition permit *by no later than **May 15, 2008***.
4. No penalties shall be assessed by DDES against Mr. Veeder and/or the property if the above deadlines are complied with. If any one of the deadlines is not complied with, DDES may assess penalties against Mr. Veeder and/or the property retroactive to the date of this order as provided by county code.

ORDERED January 28, 2008.

Peter T. Donahue
King County Hearing Examiner

NOTICE OF RIGHT TO APPEAL

Pursuant to Chapter 20.24, King County Code, the King County Council has directed that the Examiner make the final decision on behalf of the County regarding Code Enforcement appeals. The Examiner's decision shall be final and conclusive unless proceedings for review of the decision are properly commenced in Superior Court within twenty-one (21) days of issuance of the Examiner's decision. (The Land Use Petition Act defines the date on which a land use decision is issued by the Hearing Examiner as three days after a written decision is mailed.)

MINUTES OF THE JANUARY 10, 2008, PUBLIC HEARING ON DEPARTMENT OF
DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. E0300934.

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing was Sheryl Lux, substituting for DenoBi Olegba, representing the Department.

The following Exhibits were offered and entered into the record:

- Exhibit No. 1 DDES staff report to the Hearing Examiner for E0300934
- Exhibit No. 2 Copy of the Notice & Order issued October 4, 2007
- Exhibit No. 3 Copy of the Notice and Statement of Appeal received October 17, 2007
- Exhibit No. 4 Copies of codes cited in the Notice & Order
- Exhibit No. 5a-h Photographs of subject property, taken by DenoBi Olegba, DDES Code Enforcement Officer

PTD:gao
E0300934 RPT